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7 AMENDED TEXT FOR THE  
8 SUBDIVISION ORDINANCE

9  
10 to replace previously-adopted text  
11 In Chapter 70 of the Herndon Town Code  
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14 Adopted by the Town Council  
15 February 27, 2007

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20 Town of Herndon, Virginia  
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**ARTICLE I: SUBDIVISIONS GENERALLY IN GENERAL**

**70-101 Title**

These regulations shall be known officially as the "Herndon Subdivision Ordinance" and may be referred to as the "Subdivision Ordinance" or "This Chapter."

**70-102 Authority**

(A) The Town Council pursuant to the recommendation of the Planning Commission at public hearing held in accordance with §15.2-2204 of the Code of Virginia does hereby exercise the police power conferred by the Code of Virginia to assure the orderly subdivision of land and to implement the comprehensive plan of the Town. ~~The Town Council is authorized to review and approve or disapprove an application for a subdivision pursuant to this chapter.~~

(B) Table 70-102 (B) summarizes the review and decision-making responsibility of the entities that have specific roles in the administration of the procedures set forth in this Chapter.

**TABLE 70-102(B): SUBDIVISION REVIEW PROCEDURES**

	<u>R = REVIEW &amp; ADVISE</u>	<u>D = FINAL DECISION</u>	<u>A = APPEAL</u>
	<u>Subdivision Administrator</u>	<u>Planning Commission</u>	<u>Town Council</u>
<u>Appeal about Compliance with Provisions</u>	<u>D</u>	<u>A</u>	
<u>Waiver of Requirements</u>	<u>R</u>	<u>R</u>	<u>D</u>
<u>Preliminary Subdivision Plan</u>	<u>R</u>	<u>R</u>	<u>D</u>
<u>Subdivision Site Plan</u>	<u>D</u>	<u>A</u>	
<u>Vacation of Plat (other than right-of-way or other public land)</u>	<u>R</u>		<u>D</u>
<u>Vacation of Right-of-Way or other public land</u>	<u>R</u>	<u>R</u>	<u>D</u>
<u>Lot Line Adjustment</u>	<u>D</u>	<u>A</u>	
<u>Final Subdivision Plat and Deed</u>	<u>D</u>	<u>A</u>	
<u>Release of Performance Guarantee</u>	<u>D (Town Manager)</u>		

**70-103 Purpose of Chapter**

The purpose of this chapter is to provide for

- ❖ Clear procedures with appropriate reviews to subdivide land;
- ❖ Minimum requirements for review;
- ❖ Conformance with standards to protect the health, safety and general welfare;
- ❖ The orderly development of the town.
- ❖ The coordination of streets within and contiguous to the subdivision with other existing or planned streets within the general area as to location, widths, grades and drainage.

- ❖ The acceptance of dedication for public use of any land, right-of-way or easement located within any subdivision or section thereof and any street, curb, gutter, sidewalk, bicycle trail, drainage or sewerage system, waterline as part of a public system or other improvement dedicated for public use, and maintained by the town, the Commonwealth, or other public agency.
- ❖ The provision of other site-related improvements required by local ordinances for vehicular ingress and egress, including traffic signalization and control, for recreation, for noise abatement, for flood control, for stability of critical slopes, and for storm water management facilities. The acceptance of dedication for public use of any right-of-way, traffic signalization and control equipment, curb, gutter, sidewalk, trail, drainage, water supply or sewage system or other improvements, financed or to be financed in whole or in part by private funds.
- ❖ The compliance of the subdivision of land with all elements of the town comprehensive plan and zoning ordinance.
- ~~❖ The payment by the subdivider or developer of land of the pro rata share of the cost of providing reasonable and necessary sanitary sewage and drainage facilities, located outside the property limits of the land owned or controlled by him but necessitated or required, at least in part, by the construction or improvement of the property being subdivided or developed.~~
- ~~❖ The preservation of open space for the prevention of undesirable levels of density and congestion on the land and in the streets.~~
- ~~❖ The reservation of areas of parks, recreation areas, school sites and other public facilities necessitated, in whole or in part, by the density to be generated by and as a consequence of the proposed subdivision.~~
- ❖ The division and development of land in such a manner that natural landforms are respected, stormwater runoff is minimized and natural vegetation preserved to the greatest degree practicable.

1 **70-104 Applicability Application of Chapter Provisions**

- 2 (A) This chapter and all its regulations ~~herein~~ shall apply to all subdivision of land located within  
3 the corporate limits of the town, and ~~as provided in section 70-4 including any condominium~~  
4 ~~or any subdivision of any convertible land.~~
- 5 (B) The subdivision regulations of the town ~~also shall apply within the corporate limits of the town~~  
6 ~~and shall~~ apply beyond the corporate limits within a distance of two miles as provided in Code  
7 of Virginia, §15.2-2248. Any owner or developer of any tract of land located as described in  
8 this section, who subdivides such land, shall cause a plat of that portion of such subdivision  
9 lying within Loudoun County, with reference to known or permanent monuments, to be made  
10 and recorded in the office of the clerk of Loudoun County, Virginia. No such plat of a  
11 subdivision shall be recorded unless and until it shall have been approved and certified in  
12 accordance with the regulations set forth in this chapter. No lot shall be sold in any such  
13 subdivision before the plat shall have been recorded.
- 14 (C) The subdivision of land is governed also by the Zoning Ordinance, the Public Facilities  
15 Manual, and other applicable provisions of the Herndon Town Code. If there is any conflict  
16 between this Chapter and other provisions of the Town Code, the more restrictive provision  
17 shall apply.
- 18 (D) There shall be no subdivision of land without ~~the makings and~~ recording of a plat of such  
19 subdivision. Such recorded plat shall comply with all the regulations of this chapter and with  
20 all provisions of Code of Virginia, §15.2-2240 et seq.
- 21 (E) No final subdivision plat shall be recorded until approved by the reviewing authority pursuant  
22 to the regulations contained in this chapter ~~and executed by the chair of the planning~~  
23 ~~commission and the mayor.~~
- 24 (F) No realty, subject to the regulations of this chapter, shall be sold or transferred prior to a final  
25 subdivision plat having been duly recorded in the land records of Fairfax County ~~and/~~ or  
26 Loudoun County, Virginia, as appropriate.
- 27 (G) Building permits shall not be issued for any construction upon a lot created in violation of the  
28 terms of this chapter.
- 29 (H) Any person violating the provisions of this Chapter section 70-7 shall be subject to a fine of  
30 not more than \$500.00 for each violation.
- 31 (I) ~~In addition to the provisions of subsection (a) of this section,~~ The town shall have the right to  
32 enjoin, restrain, correct or abate any construction upon a parcel created in violation of the  
33 terms of this chapter.

34  
35 **70-105 Interpretation and Conflict**

- 36 (A) Scope  
37 In their interpretation and application, the requirements of this Chapter shall be held to be  
38 the minimum requirements for the promotion of the public health, safety, and general  
39 welfare.
- 40 (B) Conflict with public and private provisions  
41 (1) Public provisions  
42 This Chapter is not intended to interfere with, abrogate or annul any order of a court of  
43 competent jurisdiction, statute, regulation, or other provision of law. Where any  
44 provision of this Chapter imposes restrictions different from those imposed by any  
45 other provision of Town ordinances or regulations or other provisions of law,  
46 whichever provisions are more restrictive or impose higher standards shall control,  
47 unless the intent is clearly otherwise.  
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(2) Private provisions

This Chapter is not intended to abrogate any legally enforceable easement, covenant or any other private agreement, or restriction; provided, that where the provisions of this Chapter are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement, or restriction, the requirements of this Chapter shall govern. Provisions of easements, covenants, private agreements or restrictions shall be consistent with this chapter and may impose duties and obligations that are more restrictive, or constitute higher standards than the requirements of this Ordinance.

## ARTICLE II: SUBDIVISION REVIEW PROCEDURES AND REQUIREMENTS

### 70-201 General Review Process

#### (A) Overview

Review of a subdivision application shall occur in conformance with this Chapter and the provisions of the zoning ordinance, Herndon Town Code Section 78-201, Review Procedures.

~~When the proposed preliminary plan meets the requirements of this chapter, the reviewing authority shall schedule such plan for public hearing before the planning commission. The planning commission shall forward, within ten days of the public hearing, its recommendation for final action to the town council. Within 45 days of commission action the town council shall approve, modify and approve or disapprove the preliminary plan in accordance with the terms and conditions of this chapter. In the event of denial, the applicant shall be informed in writing of the reasons for such denial. Notice of such public hearings shall be accomplished in accordance with the provisions of division 3, article II of chapter 78 of this Code. Initial staff review of a preliminary plan submission shall be completed within 30 days of that submission. If, after 60 days of the preliminary plan submission, that plan is not, in the opinion of the reviewing authority, in substantial compliance with the terms of this chapter, the subdivider may demand that the plan be scheduled for the next regular meeting of the planning commission.~~

#### (B) Fees

~~Submission of a subdivision application plans shall be accompanied by a fees, covering the costs to the town of review, as set forth in the zoning ordinance, Herndon Town Code Section 78-201(B)(3)section 78-1736. Prior to recordation, in addition to those items mentioned in sections 70-88 and 70-89, All outstanding review fees and other fees required by the zoning ordinance town Code relating to subdivision development shall be paid prior to approval for recordation.~~

#### (C) Revision, Change, or Erasure

~~No revision, change, or erasure shall be made on any approved preliminary subdivision preliminary plan, final subdivision plat, or subdivision site plan unless the reviewing authority that approved the document has approved the change., except as otherwise provided.~~

~~If, in the judgment of the reviewing authority, there have been substantial changes made to the final subdivision record plat or and subdivision site plan final engineering, not reflected on the approved preliminary subdivision plan, a new preliminary subdivision plan shall be submitted for review under the provisions of section 70-202 et seq.~~

#### (D) Plan Submittal Requirements

Preliminary Subdivision Plans and Subdivision Site Plans shall be submitted with the requirements specified in the zoning ordinance, Herndon Town Code section 78-201(C), Submittal Requirements.

#### (E) Waiver of requirements.

- (1) The subdivider may apply to the reviewing authority to waive a requirement of the Subdivision Ordinance in cases of unusual situations or when strict adherence to the general regulations would result in substantial injustice or hardship, except there shall be no waiver that would result in a reduction of the required frontage on a public street or would result in an increase in the number of lots.
- (2) An application for a waiver shall be deemed to be an acceptance by the applicant that:
  - (a) the time period within with the submitted preliminary subdivision plan must be acted upon will be prolonged by 30 days to allow proper evaluation and consideration of the waiver; and
  - (b) the decision on the pending application for waiver shall be concurrent with the application for the preliminary subdivision plan.
- (3) For subdivision applications that require a public hearing, the town council, upon the receipt and review of a report from the planning commission, may during a public hearing

1 vary or waive requirements of this chapter based on the criteria in Section 70-201(E)(5)  
2 upon a finding that the granting of such waiver will not be of substantial detriment to  
3 property adjacent or in the same vicinity and the purposes served by this chapter will not  
4 be adversely affected. The waiver shall be described in materials related to the public  
5 notification requirements for the subdivision application.

6 (4) ~~The town council reviewing authority~~ may require, as a condition of any such waiver, the  
7 dedication or construction of, or an agreement to dedicate or construct, such  
8 improvements related to the subdivision as may ~~be~~ reasonably be required to ensure the  
9 attainment of the purposes of this chapter.

10 (5) A requested waiver shall be evaluated by the reviewing authority based on whether or not:

11 (a) The applicant is able to demonstrate there exists an unusual situation such that  
12 strict adherence to the general regulations would result in substantial injustice or  
13 hardship; and

14 (b) The waiver will result in an arrangement of lots that will be more harmonious  
15 with and will have a less adverse effect on neighboring properties than would  
16 development without the waiver; and

17 (c) Development with the waiver would result in an arrangement of lots that

18 1. affects adjoining property more adversely than the arrangement of lots  
19 without the waiver; or

20 2. is not consistent with good planning practices.

#### 21 (F) Appeals

22 In the event of a disagreement between the subdivider and the subdivision administrator  
23 ~~reviewing authority~~ as to compliance with applicable ordinances and design standards, the  
24 subdivider may file an appeal with the subdivision administrator reviewing authority in  
25 writing. When filed at least 30 days prior to the next regularly scheduled work session of  
26 the Planning Commission, such appeal, along with a written staff report noting the alleged  
27 deficiencies, shall be heard and acted upon by the planning commission at its next regular  
28 public hearing meeting. ~~after~~ Such appeal shall be ~~has been~~ advertised in conformance  
29 with Code of Virginia, § 15.2-2204.

#### 30 (G) Performance Guarantee Bond

31 The Town shall require adequate financial assurance consisting of a performance  
32 guarantee agreement and a security, in a form and manner that is approved by the Town  
33 Attorney, for the construction of required public improvements, protection of existing public  
34 improvements, protection of trees, and required private improvements. The procedure for  
35 performance guarantees shall comply with the provisions of the Herndon Town Code  
36 Section 78-204.

37 Prior to recordation, the subdivider must provide a bond, in sufficient amount, and a  
38 bond agreement to guarantee the completion and maintenance until acceptance by  
39 the appropriate governmental authority of all public improvements including, but not  
40 limited to, streets, curbs, gutters, sidewalks, trails, reforestation, storm drainage  
41 facilities and associated grading, sanitary sewage facilities, waterlines, streetlights,  
42 highway signs and markers, that are the subdivider's responsibility. Such bond, surety  
43 and agreement may be subject to the approval of the town attorney.

44 Release of performance bonds, in whole or in part, shall be by formal action of the  
45 town council, and the town council shall consider such formal release pursuant to the  
46 written request of the subdivider, the approval by the reviewing authority of the as-built  
47 plan, and after receipt of written certification of the payment of all contractors and  
48 subcontractors who have constructed the public improvements in the subject  
49 subdivision.  
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#### 52 (H) Registration to Receive Notice

53 Beginning in July, 2006, any individual, business, or organization in the Town may register  
54 with the Department of Community Development to receive either written notice  
55 of applications pursuant to Section 78-201(I) or notice by e-mail at approximately the  
56 same time that written notice as described in Section 78-201(I) is placed in the United  
57 States Mail. To be eligible for registration, the applicant shall provide the Department of  
58 Community Development information in the form required by the Department to ensure  
59 notification can be made to the requester, along with a fee to cover the costs of the written  
60



notification as shown in Table 78-201(B)(3)(c). To continue to receive notice, an individual, business or organization shall re-register every 2 years.

## 70-202 Preliminary Subdivision Plan

### (A) Purpose

A preliminary subdivision plan is reviewed and approved prior to the subdivider's preparation of a final subdivision plat and subdivision site plan. The review process shall be governed by the provisions of the zoning ordinance, Herndon Town Code Section 78-202(F)(4), *Site Plans that Require a Public Hearing*.

After approval of the preliminary subdivision plan by the Town Council, the applicant shall submit a final subdivision plat and subdivision site plan for review and consideration prior to site development. The subdivider may submit a final subdivision plat and a subdivision site plan as the preliminary subdivision plan.

### (B) Phasing

A parcel of land upon which a preliminary plan has been approved may be subdivided in sections, with each section meeting all the requirements of this chapter when considered in conjunction with all previously approved sections. The preliminary plan shall show the sequence and sections of the proposed development. Additional requirements in Section 70-204 (E), *Phasing*, apply.

### (C) Standards

A preliminary subdivision plan shall be approved upon a determination by the decision-making authority that the development and uses proposed in the preliminary subdivision plan and its general layout and design comply with:

#### (1) The Herndon Town Code, as may be amended:

- (a) Those standards mentioned in Section 1-16 (the Town's Public Facilities Manual).
- (b) This chapter (Chapter 70).
- (c) Zoning ordinance, Chapter 78, Section 78-401, *Principal Uses: Categories and Types*.
- (d) Zoning ordinance, Chapter 78, Article V: Development Standards.
- (e) All other applicable standards, provisions and regulations of the Town Code.

#### (2) The Herndon Heritage Preservation Handbook, as may be amended.

#### (3) Riparian Buffers Modification and Mitigation Guidance Manual approved by the Chesapeake Bay Local Assistance Board on September 14, 2003, as may be amended.

#### (4) the Northern Virginia Erosion and Sediment Control Handbook, as may be amended.

#### (5) Utility Plan requirements of the Virginia Code, § 15.2-2269, as may be amended.

#### (6) Any other applicable Federal, State or local laws or regulations.

### (D) Validation of Approved Preliminary Subdivision Plan

Within 90 days of approval by the Town Council of a preliminary subdivision plan, the subdivider shall submit five copies of the approved preliminary subdivision plan to the subdivision administrator for validation. The plan shall show all features as approved and shall include a copy of the certified Town Council resolution approving the plan. The subdivision administrator shall review the plan, require corrections if necessary, and sign five copies of the correct plan. One signed copy shall be returned to the subdivider.

### (E) Expiration and Revocation

Once a preliminary subdivision plan ~~plat~~ is approved and validated, it shall be valid for a ~~period of~~ five years after approval, provided the subdivider:

- (1) submits a subdivision site plan if required and final subdivision plat for all or a portion of the property within one year of such approval, and
- (2) thereafter diligently pursues approval of the subdivision site plan if required and final subdivision plat. Diligent pursuit of approval means that the subdivider responds within 90 calendar days after receipt of ~~has incurred extensive obligations or substantial expenses~~ Town review comments relating to the submitted subdivision site plan and final subdivision plat or modifications thereto.

~~However, no sooner than three years following such preliminary subdivision plan plat approval, and~~ Upon 90 ninety days' written notice by certified mail to the subdivider, the town council may revoke such approval upon a specific finding of facts that the subdivider has not diligently pursued approval of the subdivision site plan if required and final subdivision plat. A change in ownership of the property does not affect this time frame.

**(F) Extension of Time**

Upon written application submitted by the applicant at least 30 days prior to the expiration of the validity period and upon a showing of good cause, the reviewing authority that approved the preliminary subdivision plan may grant an extension not to exceed six months after the expiration of the validity period. The approval shall be deemed extended until the reviewing authority has acted upon the request for extension.  
~~The town council may receive any application for extension prior to the expiration of the time to record. Upon receipt of such application and upon a showing of extenuating circumstances, the town council may permit one extension of six months within which the approved plat may be recorded.~~

**70-203 Subdivision Site Plan**

**(A) Purpose**

A subdivision site plan shall be submitted and approved prior to approval of the final subdivision plat and deed. The subdivision site plan shall be consistent with a valid preliminary subdivision plan as approved by the Town Council and shall be approved, if it is approved, administratively. The subdivision site plan shall be submitted and reviewed concurrently with a final subdivision plat and deed.

**(B) Submittal**

- (1) The subdivider shall, after receiving approval of a preliminary subdivision plan or a proffered generalized development plan, submit a subdivision site plan that conforms to the standards and requirements described in Section 70-202(C). Submittal of the subdivision site plan shall include the items described in the zoning ordinance, Herndon Town Code, Section 78-201(C), *Submittal Requirements*.
- (2) Any subdivision site plan or final subdivision plat submitted for the development of the subject property shall be in substantial conformity with proffered statements, plans, profiles, elevations or other demonstrative materials.
- (3) For the purpose of this section, substantial conformity shall mean that conformity which leaves a reasonable margin for adjustment due to final engineering and site condition data and conforms to the general nature of the development, the specific uses, and the general layout depicted by the proffered plans, profiles, elevations and other demonstrative materials.
- (4) Once proffered conditions have been approved, and there is cause for an amendment to the conditions because the proposed subdivision is not in substantial conformity with the conditions, then an application shall be filed for a zoning map amendment.

**(C) Wetlands Permits**

The subdivider shall obtain all wetlands permits required by law prior to commencing land-disturbing activities and shall provide evidence of such permits to the reviewing authority.

(D) Pro rata share

- (1) A subdivider or developer, as a condition to approval of a subdivision plat or site plan, shall pay to the town the pro rata share of the cost of providing reasonable and necessary storm drainage facilities, located outside the property limits of the land owned or controlled by the subdivider or developer but necessitated or required, at least in part, by the construction or improvement of the subdivision or development.
- (2) The town council commits to establishing by June 30, ~~2008~~ 2002 a general storm drainage improvement program for the town, to replace any such existing program. The area of the town (area) for this purpose has related and common drainage conditions. Until June 30, ~~2008~~ 2002, the town may utilize the existing or general storm drainage improvement program for the operation of the pro rata share program.
- (3) The share each subdivider or developer shall pay shall be limited to the amount necessary to protect water quality based upon pollution loading caused by the subdivision or development or (at the option of the subdivider or developer) to the proportion of such total estimated cost which the increased volume and velocity of stormwater run off to be actually caused by the subdivision or development bears to the total estimated volume and velocity of such stormwater run off from such area in its fully developed state as more specifically determined in subsections (4) and (5)~~(e)~~ below. In calculating the pollutant loading caused by the subdivision or development or the volume and velocity of stormwater run off, the town manager shall take into account the effect of all on-site stormwater facilities or best management practices constructed or required to be constructed by the subdivider or developer and shall give appropriate credit therefor.
- (4) For each subdivision or development, the town manager shall determine the proportionate share of total estimate cost of ultimate storm drainage facilities required to adequately serve the town, which is the related and common area, when and if fully developed in accord with the adopted comprehensive plan, that shall be born by each subdivider or developer within the area of the town.
- (5) In making the determination required by subsection (4) above, the town manager shall be guided by these standards and procedures: when a general storm drainage program has been established Pursuant to subsection (2) above, a pro rata share of the total cost of the program shall be determined as follows:
  - (a) The estimated volume and velocity of stormwater run-off for the town when fully developed in accordance with the adopted comprehensive plan shall be computed.
  - (b) The increased volume and velocity of stormwater run-off caused by a subdivision or development shall be computed.
  - (c) The ratio of the increased volume and velocity of stormwater run-off caused by a subdivision or development to the estimated total volume and velocity of stormwater run-off for the town, expressed as a percentage, shall be applied to the total cost of the drainage improvement program for the town, which the town manager shall also have computed. The resultant figure shall be the pro rata share for the subdivision or development.
  - (d) As an alternative to the above, town manager shall determine the cost necessary to protect water quality based upon the pollutant loading caused by the subdivision or development, using recognized engineering principles.
  - ~~(e) Each such payment, and interest received, shall be expended only for necessary engineering or related studies and the construction of those facilities identified in the established storm drainage program. The payments received shall be kept in a separate interest bearing account, and accounted for separately, until such time as they are expended to effectuate the improvement program. All such payments received on or after July 1, 1990, shall be released and used, with any interest earned, as a tax credit on the real estate taxes on the subject property if construction of the facilities identified in the established drainage program is not commenced within 12 years from the date of their payment to the town.~~
  - ~~(f) Any funds collected for pro rata programs under this section prior to July 1, 1990, shall continue to be held in separate, interest bearing accounts for the project or projects for which the funds were collected and any interest from such accounts shall continue to accrue to the benefit of the subdivider or developer until such time as the project or projects are completed or until such time as a general~~

1 drainage improvement program is established to replace a prior drainage  
2 improvement program. Payments received prior to July 1, 1990 and interest  
3 thereon shall be or shall have been expended for studies or construction of the  
4 projects called for by the programs on or before June 30, 2002. Failing that, all  
5 payments shall be released and used, with any interest earned, as a tax credit on  
6 the real estate taxes on the subject property.

- 7  
8 (6) Each such payment, and interest received, shall be expended only for necessary  
9 engineering or related studies and the construction of those facilities identified in the  
10 established storm drainage program. The payments received shall be kept in a  
11 separate interest bearing account, and accounted for separately, until such time as  
12 they are expended to effectuate the improvement program. All such payments  
13 received shall be released and used, with any interest earned, as a tax credit on the  
14 real estate taxes on the subject property if construction of the facilities identified in  
15 the established drainage program is not commenced within 12 years from the date of  
16 their payment to the town.

17 (E) Expiration

18 Subdivision site plan approval shall automatically expire at the end of a 5 year period  
19 following the date of its final approval by the reviewing authority if a Building Permit for at  
20 least 1 building in the development proposed in the subdivision site plan is not approved,  
21 if buildings are planned. If buildings are not planned, the subdivision site plan shall  
22 automatically expire at the end of a five year period following the date of its approval by  
23 the reviewing authority. A change in ownership of the property does not affect this time  
24 frame.

25 (F) Extension of Time

26 Upon written application submitted by the applicant at least 30 days prior to the expiration of  
27 the validity period and upon a showing of good cause, the reviewing authority that approved  
28 the subdivision site plan may grant an extension not to exceed six months after the  
29 expiration of the validity period. The approval shall be deemed extended until the reviewing  
30 authority has acted upon the request for extension.

31 The town council may receive any application for extension prior to the expiration of the time  
32 to record. Upon receipt of such application and upon a showing of extenuating  
33 circumstances, the town council may permit one extension of six months within which the  
34 approved plat may be recorded.

35  
36 (G) House Location Survey

37 Prior to issuance of a certificate of occupancy for any new or replacement single family  
38 detached dwelling or duplex dwelling built in accordance with a subdivision site plan, the  
39 applicant shall submit for approval a house location survey on sheets of eight and one half  
40 inches by 14 inches prepared in accordance with the rules and regulations adopted by the  
41 Commonwealth of Virginia, Board for Architects, Professional Engineers, Land Surveyors  
42 and Landscape Architects (APELSLA) and shall also show the following:

- 43  
44 (1) the distance from all structures to all lot lines;  
45 (2) the elevation of the floor plate and the height of the building;  
46 (3) the deed book and page number for the easements and conveyances shown on the  
47 plat.

48  
49 (H) As -built Plan

50 Upon completion, an as-built plan shall be submitted, certified by a registered professional  
51 engineer or certified land surveyor. Such as-built plan shall certify the installation of all public  
52 and private improvements per the specifications and locations shown on the approved  
53 subdivision plan. **The as-built plan shall be prepared and submitted in accordance with the**  
54 **zoning ordinance, Herndon Town Code Section 78-202(F)(14).**

1 **70-204 Subdivision Plats**

2 **(A) Purpose and Applicability**

3 In accordance with Section 70-104 (D), no subdivision of land shall occur within the Town  
4 unless and until a plat of such subdivision has been prepared, approved, executed and  
5 recorded. No land in the town shall be sold or transferred prior to a recordation of a final  
6 subdivision plat. A subdivision site plan shall be accompanied by a final plat of subdivision  
7 and a deed.

8 **(B) Submittal**

9 Every final subdivision record plat, plat of vacation, lot line adjustment, and plat of easement  
10 which is intended for recording shall be submitted for review by the subdivision administrator  
11 and shall include:

12  
13 (1) Nine copies of the final subdivision plat accompanied by:

- 14 (a) A cover letter with contact information;  
15 (b) A draft deed of subdivision;  
16 (c) Certificate of title submitted in a format approved by the subdivision  
17 administrator;  
18 (d) A title report documenting all easements and rights-of-way on the property.  
19

20 (2) The final subdivision plat shall be prepared as follows:

- 21 (a) Certificate of preparer. —Every final subdivision record plat, plat of vacation,  
22 lot line adjustment, and plat of easement which is intended for recording shall  
23 be prepared by a certified professional engineer or land surveyor, who shall  
24 endorse upon each such plat a signed The plat shall contain a certificate  
25 signed by a certified professional engineer or land surveyor setting forth the  
26 source of title of the owner of the land subdivided and the place of record of  
27 the last owner of the land subdivided and the place of record of the last  
28 instrument in the chain of title. When the plat is of land acquired from more  
29 than one source of title, the outlines of the several tracts shall be indicated  
30 upon such plat. provided, however, that nothing in this subdivision shall be  
31 deemed to prohibit the preparation of preliminary studies, plans or plats of a  
32 proposed subdivision by the owner of the land, city planners, architects,  
33 landscape architects or others having training or experience in subdivision  
34 planning or design.

- (b) Certification of consent to subdivide. Every plat or deed of dedication to which the plat is attached shall contain, in addition to the professional engineer's or land surveyor's certificate, ~~the statement a statement as follows:~~ "the platting or dedication of the following described land (here insert a description of the land subdivided) is with the free consent and in accordance with the desire of the undersigned owners, proprietors and trustees, if any." The statement shall be signed by such persons and duly acknowledged before some officer authorized to take acknowledgment of deeds. ~~When thus executed and acknowledged, the plat, subject to the provisions of this subdivision, shall be filed and recorded in the land records of the county.~~
- (c) Size of sheets. The final subdivision record plat ~~and engineering shall be provided include a record plat~~ on sheets 24 inches by 18 inches. ~~and all engineering plans on sheets 24 inches by 36 inches, and all engineering shall be in accordance with the town design standards.~~
- (d) Standard. The final subdivision plat shall be prepared in accordance with the minimum standard detail requirements for the American Land Title Association and American Congress on Surveying and Mapping.
- (e) Signature Block. The final subdivision plat shall contain a signature block for the Town to indicate approval of the plat.
- ~~(3) Official cover sheet. All final engineering plans shall include an official town cover sheet, available from the town offices for a reasonable fee.~~

**(C) Approval**

When the final subdivision plat, plat of vacation, lot line adjustment, or plat of easement is in full compliance with all of the requirements of this chapter, and in ~~substantial~~ conformance with the preliminary plan ~~if applicable~~, the subdivision administrator ~~town manager~~ shall notify the subdivider that ~~the his~~ final plat is approved, executed by the Town and eligible for recordation. ~~The subdivider shall be notified of approval or disapproval and the reasons therefore within 60 days of the submission of the record plat and engineering.~~

**(D) Time to record**

Subsequent to final subdivision plat approval and execution by the Town, the subdivider shall have 12 months from the date of that approval ~~and execution by the Town within which he must to~~ record the plat in the land records of Fairfax ~~and/ or Loudoun Counties, as appropriate.~~ Before such subdivision is recognized by the town, the subdivider shall provide ~~written~~ documentation of recordation to the ~~subdivision administrator town clerk.~~ If an approved plat has not been duly recorded in the land records of Fairfax County ~~and/ or Loudoun County, Virginia, as appropriate,~~ within 12 months of the date of the approval and execution by the Town, such plat and preliminary plan shall become null and void ~~and of no effect.~~

**(E) Phasing**

The Town Council may permit a subdivider to record a final subdivision plat for separate sections shown on an approved preliminary subdivision plan provided:

- (1) The recordation of each section shall be subject to the terms and conditions of this chapter ~~subsection~~ and subject to engineering and construction standards and zoning requirements in effect at the time that each section is recorded.
- (2) Changes in engineering standards, construction standards or zoning requirements may necessitate a change to the subdivision site plan.
- (3) If, in the judgment of the reviewing authority, there is a consequent and substantial change made to the final subdivision plat and subdivision site plan not reflected on the approved preliminary subdivision plan, a new preliminary subdivision plan shall be submitted for review under the provisions of Section 70-202 et seq.
- (4) All sections shown on the preliminary subdivision plan shall be recorded within a period of five years from the recordation date of the first section.
- (5) The subdivider shall furnish to the town for each section a performance guarantee in the amount of the estimated cost of construction of the facilities to be dedicated within the respective section of the subdivision for public use and maintained by the town.

~~If a subdivider records a final plat which may be a section of a subdivision as shown on an approved preliminary plan and furnishes to the town a certified check, cash escrow, bond or letter of credit in the amount of the estimated cost of construction of the facilities to be dedicated within this subdivision for public use and maintained by the town, the subdivider shall have the right to record the remaining sections shown on the preliminary plan for a period of five years from the recordation date of the first section, or for such longer period as the town council may, at the approval of the preliminary plan, determine to be reasonable. In making this determination, the town council shall take into consideration the size and phasing of the proposed development. The recordation of the remaining sections shall be subject to the terms and conditions of this subsection and subject to engineering and construction standards and zoning requirements in effect at the time that each remaining section is recorded.~~

**(F) Platting of Pipestem Lots**

- (1) The final plat shall contain notes that:
  - (a) each pipestem driveway is a driveway privately owned and privately maintained by the lot owner or by a designated community or homeowner's association.
  - (b) owners of abutting lots utilizing pipestem driveways automatically assume an obligation for maintenance of the pipestem driveway, which obligation is a condition of their ownership of the property and runs with the land.
- (2) An adequate easement for ingress, egress, construction, maintenance of utilities, and access by Town, County and other emergency vehicles shall be provided where common driveway construction is used.

**(G) Lots with Required Privately Maintained Stormwater Facilities**

In accordance with Section 78-304(D)(8)(I), Herndon town code, the landowner bears the maintenance responsibilities for stormwater management and best management practice facilities. For any lot on which a required privately maintained stormwater facility, bioretention facility or rain garden is located, the final plat shall include a note that contains the following information pertaining to any such lot: This lot contains a required, privately maintained stormwater facility, bioretention facility, or rain garden that shall be maintained by the owner in accordance with Town of Herndon zoning regulations and that shall be made accessible and available for periodic inspection by town officials upon proper notice.

**70-205 Vacation of Plats**

A recorded plat or a portion thereof may be vacated in accordance with the terms of Code of Virginia, §§ 15.2-2270--15.2-2278.

**70-206 Boundary Lot Line Adjustment Plat**

- (A) The boundary lines of any lot or parcel may be vacated, relocated or otherwise altered ~~as a part of an otherwise valid and properly recorded plat of subdivision or re-subdivision~~ with respect to lots subdivided as provided in this chapter, or with respect to lots or parcels properly recorded prior to the applicability of this chapter. A ~~lot boundary~~ line adjustment plat

1 must be approved (if it is) by the town and must be executed by the owners of such lots or  
2 parcels as provided in Code of Virginia, §15.2-2264. The subdivision administrator reviewing  
3 authority is authorized to act for the town in this regard.

4 (B) ~~No action under this section shall involve the relocation or alteration of streets, alleys or~~  
5 ~~easements for public passage, or other public places. No easements or utility rights-of-way~~  
6 ~~shall be relocated or altered without the express consent of all persons holding any interest in~~  
7 ~~the easement or utility right-of-way or in any property located within such easements or~~  
8 ~~rights-of-way.~~

9 (C) The subdivision administrator may require as a condition of approval of a lot line adjustment  
10 plat the dedication of public easements, rights-of-way, and utility easements as may be  
11 deemed necessary to comply with the minimum requirements set forth in Section 70-302.  
12 Otherwise, the applicant for a boundary line adjustment does not need to provide physical  
13 subdivision improvements or to comply with associated requirements, to support physical  
14 improvements such as street right-of-way and easement dedications. The reviewing authority  
15 may waive other requirements of this chapter when this official finds in writing that the  
16 requirement is not necessary or convenient to the accurate depiction, location and  
17 recordation of the vacated, relocated or altered boundary line.

18 (D) ~~No boundary line adjustment shall result in a violation of this chapter or the zoning chapter.~~  
19 No lot line adjustment shall be approved if it would involve or result in:

- 20 (1) the creation of any additional lot(s), parcels or outlots or any increase in density;  
21 (2) the relocation or reduction in area or in rights-of-way of any of street, alley, or easement  
22 for public passage, other public land;  
23 (3) the relocation or alteration of utility easements, or utility rights-of-way without the  
24 express consent of all persons holding any interest in the utility easement or utility right-  
25 of-way.  
26 (4) the creation of, or aggravation of an existing noncompliance with regard to minimum lot  
27 area, minimum lot width, or minimum required yards; or  
28 (5) any violation of this chapter or the zoning ordinance, chapter 78 of the Herndon Town  
29 Code.

### 30 **ARTICLE III: REQUIRED IMPROVEMENTS CONSTRUCTION STANDARDS**

31 All improvements shall be shown on the preliminary subdivision plan (as applicable) and the  
32 subdivision site plan and installed at the cost of the subdivider. Required improvements include  
33 applicable provisions described in Section 70-202(C), *Standards*, any other required  
34 improvements identified in this chapter or the zoning ordinance, as well as the following  
35 paragraphs in this article.

36 ~~The construction of all public utilities, streets and all other physical elements of subdivision~~  
37 ~~development shall be in compliance with the town design standards. Such standards shall be~~  
38 ~~adopted by resolution or ordinance of the town council and any amendments thereto.~~

39 ~~These standards are to reflect sound engineering and site planning practices intended to provide~~  
40 ~~subdivision development, which in design and construction eliminates storm drainage problems,~~  
41 ~~minimizes future maintenance of public utilities while at the same time providing a safe,~~  
42 ~~convenient and aesthetically pleasing overall layout of streets and lots.~~

#### 43 **70-301 Access to public streets**

44 Any lot created by the division of land under the terms of this chapter, or otherwise, shall have  
45 frontage abutting a ~~full width, non-limited access~~ public street or shall be provided access to a  
46 public street as provided for in the zoning ordinance ~~chapter~~.  
47  
48  
49  
50



1  
2  
3 **70-302 Public streets**

4 All streets shall be public streets. However, common driveway and parking areas serving  
5 townhouse, garden court, multifamily dwelling and commercial developments shall be  
6 permitted.

- 7 (A) All public streets shall have a minimum right-of-way width of 50 feet. A street identified in  
8 the comprehensive plan as a collector street, thoroughfare street or arterial street shall  
9 have a wider right-of-way, as may be determined necessary by the subdivision reviewing  
10 authority, based upon the comprehensive plan. Additional right-of-way also may be  
11 required for reason of design, emergency vehicle access, or traffic volume.  
12 (B) Any street constructed with a terminus (cul-de-sac, hammerhead, or other design) shall  
13 include at the terminus a means of continuous pedestrian travel provided with a trail  
14 dedication or public access easement of no less than 15 feet in width to the edge of the  
15 property under the control of the subdivider or to the nearest connecting street or trail,  
16 whichever is the shorter length. With the trail dedication or easement, the subdivider shall  
17 construct a paved trail surface of four to six feet in width. The trail dedication or easement  
18 shall be deeded to either the affected homeowner's association or to the Town, as  
19 determined by the reviewing authority.  
20 (C) A street with a design that is alternative to that contained in the Herndon Public Facilities  
21 Manual may be proposed if it meets all of the following criteria:  
22 (1) The alternative design is approved by the Town's Director of Public Works and the  
23 reviewing authority;  
24 (2) The alternative design conforms with the standards in the zoning ordinance,  
25 Herndon Town Code Chapter 78, Section 78-501, *Circulation and Traffic*, and is  
26 consistent with accepted planning practice;  
27 (3) The alternative design of streets does not adversely affect neighboring properties  
28 or the system of existing streets and intersections to which the streets are  
29 proposed to connect;  
30 (4) The alternative design allows for adequate access and circulation by emergency  
31 vehicles and vehicles that are expected to service the proposed development.  
32

33 **70-303 Public Open Space**

- 34 (A) Open space shall be provided as described for the particular use in the zoning ordinance,  
35 Herndon Town Code Chapter 78, for all uses other than those residential uses permitted in  
36 the R-10 and R-15 residential zoning districts.  
37 (B) For subdivisions containing permitted residential uses in the R-10 and R-15 residential zoning  
38 districts:  
39 (1) Onsite open space shall be provided:  
40  
41 a. For subdivisions resulting in 10 or more single family detached homes;  
42 b. In an amount equivalent to five percent of the net area used for individual  
43 single family lots; and  
44 c. In parcels of appropriate size and location that meet (a) the definition of  
45 "open space" in Section 78-701; (b) the standards for "open space" in  
46 Section 78-504, and (c) the standards for "common area" in Section 78-507.  
47  
48 (2) In accordance with the following procedures, in lieu of providing the on-site open  
49 space, the applicant shall, at the applicant's option, make a cash contribution  
50 equivalent in value to the cost of the land that would otherwise constitute the  
51 onsite open space:  
52 a. After consultation with other Town staff, the Zoning Administrator shall  
53 make the final determination about the value of the cash contribution using  
54 recognized standards and the land records of the Fairfax County  
55 Department of Tax Administration.  
56 b. The cash contribution shall be used by the Town for the purpose of parks  
57 and recreation improvements that serve residents of the development, or for  
58 the purpose of improving nearby open space, such as repair of stream bank  
59 erosion or removal of invasive species.  
60

1 All subdividers shall be required to dedicate to public use, exclusive of streets and parking  
2 areas, a percentage of the buildable land subdivided, up to a maximum of five percent, in order  
3 to, in part, provide for the need for public open space, park land, sites for schools, libraries and  
4 other public facilities generated by the development of the land being subdivided. Upon the  
5 mutual consent of the subdivider and the town council, and subsequent to the receipt and review  
6 of the report of the planning commission, cash in the amount of five percent of the current  
7 market value of the land being subdivided may be tendered to the town in lieu of dedication. Any  
8 such funds shall be used only for the acquisition of, or development of, land for such public  
9 purposes.  
10 This section's requirements may be reduced upon the approval of the town council after receipt  
11 and review of the report of the planning commission, where the subdivider provides alternative  
12 means of achieving the intent of this article including, but not limited to, developed recreation  
13 facilities.  
14  
15  
16  
17  
18  
19

#### 20 70-304 Blocks

- 21  
22 (A) The maximum length of blocks generally shall be 1,200 feet.  
23 (B) Blocks shall be wide enough to allow two tiers of lots of minimum depth, except where  
24 there is frontage on major streets or where prevented by topographical conditions or size  
25 of the property, in which case a single tier of lots of minimum depth may be approved.  
26 (C) In blocks over 800 feet in length, one or more public crosswalks of not less than ten feet in  
27 width to extend entirely across the block and at locations deemed necessary by the  
28 reviewing authority using recognized standards, may be required by the reviewing  
29 authority.  
30 (D) Where a subdivision adjoins a major road, it may be required that the greater dimension of  
31 the block shall front or back upon such major thoroughfare to avoid unnecessary ingress  
32 or egress. When such blocks adjoin a major street or highway landscape barriers, noise  
33 attenuation barriers and associated easements ~~therefor~~, may be required at the discretion  
34 of the ~~town~~ reviewing authority.  
35 (E) Blocks intended for business or industrial use shall be designed specifically for such  
36 purpose with adequate space set aside for off-street parking and delivery facilities.  
37

#### 38 70-305 Lots

- 39 (A) The lot arrangement, design and shape shall be such that lots will provide satisfactory and  
40 desirable sites for buildings and be properly related to topography and conform to  
41 requirements set forth in this section. Lots shall not contain peculiarly shaped elongations  
42 solely to provide necessary square footage of area which would be unusable for normal  
43 purposes.  
44 (B) All lots shown on the subdivision plat must conform to the minimum requirements of the  
45 zoning ordinance chapter as to area and dimensions, for the zone zoning district in which  
46 the subdivision is located.  
47 (C) Interior Lots having frontage on two streets shall be prohibited except where unusual  
48 conditions make other designs undesirable.  
49 (D) Corner lots shall have extra width sufficient for maintenance of required building lines on  
50 both streets as required by the zoning ordinance chapter.  
51 (E) Side lines of lots shall be approximately at right angles, or radial to the street line.  
52 (F) Out lots are prohibited unless proof is provided except upon a showing that the out lot to  
53 be created will produce a benefit to the entire subdivision or the town municipality. Any  
54 other remnants of lots below minimum size left over after subdividing of a tract must be  
55 added to adjacent lots, rather than be allowed to remain as a substandard parcel.  
56 (G) No lot or portion thereof intended for the construction of any building shall be located  
57 within the 100-year floodplain.  
58 (H) No lot shall be graded in such a manner as to  
59 1. provide a retaining structure closer than two feet to the property line; or  
60 2. otherwise adversely impact neighboring properties.

- (I) Rear yard width at the rear lot line shall be no less than 60 percent of the required front yard width.

#### **70-306 Trees and Landscaping**

Subdivision development is governed by the requirements of the zoning ordinance, Chapter 78, Section 78-502, *Protection of Trees and Vegetation on Private Property and During Development*, and Section 78-503, *Site Landscaping*.

#### **70-307 Floodplain Streams and watercourses**

An easement for all land within the 100-year floodplain shall be dedicated to the town for the purpose of stormwater management and appropriate recreational and open space use. Alternatively, the floodplain area may be dedicated to the Town, provided the Town accepts.

#### **70-308 Monuments**

~~The subdivider shall provide monuments or iron pipe at all property corners in the subdivision. In all subdivisions, monuments shall be placed in the ground at all lot corners and angle points in the outer lines of the subdivision and at all points of angles and curvature in the right of way lines of all streets within the subdivision, according to the standards and criteria of the *Public Facilities Manual*.~~

#### **70-309 Underground utilities**

~~All existing or future electric, telephone or gas utility lines and appurtenances required to be installed or relocated by the subdivision shall be located or relocated underground at the subdivider's expense. New and existing utilities shall be placed below ground in accordance with standards as established in the *Public Facilities Manual* and accepted standards of utility practice for underground construction. The subdivider or developer shall be responsible for arranging with the appropriate utility so that new, existing, or relocated distribution and customer service utility facilities, carrying or used in connection with water, sanitary sewer, electric power, communications, cable television, petroleum, gas or steam, installed within the boundaries of the site, or within the adjacent public right-of-way shall be placed below the surface of the ground. The following equipment may be installed above ground on the site, and the subdivision site plan shall reserve space on the site to accommodate it:~~

- (A) Equipment such as electric distribution transformers, switchgear, meter pedestals, and telephone pedestals which is normally installed above ground in accordance with accepted utility practices for underground distribution;
- (B) Meters, service connections, and similar equipment normally attached to the outside wall of the premises they serve; and
- (C) Temporary overhead facilities required for construction purposes.

#### **70-310 Utility easements**

- (A) All proposed utilities which are to be maintained by the town after construction and installation shall be located in easements dedicated to the town and recorded with the record plat of the subdivision. These easement areas are to be of the form and size described in the town design standards.
- (B) The reviewing authority also may require the subdivider to provide common or shared easements to franchised cable television operators furnishing cable television and public service corporations furnishing cable television, gas, telephone and electric or other service to the proposed subdivision according to the standards of State subdivision law. Such easements, the location of which shall be adequate for use by public service corporations and franchised cable television operators which may be expected to occupy them, may be conveyed by reference on the final plat to a declaration of the terms and conditions of such common easements and recorded in the land records of the county.

#### **70-311 Resource protection area**

All resource protection area (RPA) boundaries shall be delineated on final subdivision ~~record~~ plats with a note that states, "The Resource Protection Area is to remain an undisturbed and vegetated 100-foot wide buffer area unless approval is obtained as required, and comply with the zoning ordinance, Chapter 78, Section 78-304(D), Chesapeake Bay Preservation Area Overlay District."

## ARTICLE IV: DEFINITIONS

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words, terms and phrases not shown in this section shall have the meanings ascribed to them elsewhere in the Herndon Town Code.

<b>AS-BUILT PLANS</b>	engineering plans and drawings, showing streets, curbs, gutters, sidewalks, sanitary sewers, storm sewers and waterlines and all other utilities, as they have been constructed.
<b>COMMISSION AND PLANNING COMMISSION</b>	the planning commission of the town.
<b>COUNCIL AND TOWN COUNCIL</b>	the elected, governing body of the town.
<b>DESIGN STANDARDS</b>	the Town of Herndon Public Facilities Manual (2001).
<b>ENGINEERING PLANS, ENGINEERING, PLANS AND PROFILES</b>	the drawings that accompany a record plat, prepared by a registered professional engineer or certified land surveyor, from which the streets, sanitary sewers, storm sewers, waterlines and other such physical features of a subdivision can be built.
<b>FRONTAGE</b>	the boundary of a lot or parcel which abuts a street, common area parcel, or other defined land area.
<b>LOT</b>	a numbered and recorded portion of a subdivision meeting the minimum requirements of this chapter and the <del>town</del> zoning ordinance.
<b>LOT, CORNER</b>	a lot located at the intersection of two or more streets.
<b>LOT, DOUBLE FRONTAGE</b>	an interior lot having frontage on two streets.
<b>LOT, INTERIOR</b>	a lot other than a corner lot.
<b>LOT LINE, FRONT</b>	a lot line coincident with a public street right-of-way line. The <u>front lot line is the property line from which the setback is measured.</u>
<b>LOT LINE, REAR</b>	any lot line, not a side lot line and not a line where the street right-of-way line and private property line are coincident.
<b>LOT LINE, SIDE</b>	a property line drawn at approximately right angles or radial, to streets.
<b>LOT, WIDTH</b>	the distance between the side lot lines measured at the required front yard building setback line.
<b><u>MONUMENT</u></b>	<u>any permanent material object or collection of objects, either natural or man-made, that indicates the position on the ground of a survey station, public land survey corner or accessories, or a land boundary corner established by a qualified surveyor.</u>
<b>OUTLOT</b>	<del>any lot that does not comply with a division of land and size and/or shape of which does not meet the minimum requirements of this chapter, or the town zoning ordinance, or the town public facilities manual. and the creation of which is prohibited under the terms of this chapter, except as provided in section 70-155.</del>
<b><u>PLAT</u></b>	<u>[from Code of Virginia] schematic representation of land divided or to be divided</u>
<b>PLAT, FINAL SUBDIVISION</b>	<u>a plat prepared for and intended for recording in the permanent land records of the local court or land records office.</u>
<b>REVIEWING AUTHORITY</b>	<u>The authority designated to make decisions on a specific application as shown in Table 70-102(B): Subdivision Review Procedures.</u>
<b><u>SUBDIVISION ADMINISTRATOR</u></b>	<u>the individual designated by the town manager to administer and enforce this chapter. The subdivision administrator may appoint one or more deputies to carry out the assigned duties and any reference to "subdivision administrator" shall include deputies.</u>

**SUBDIVISION SITE  
PLAN**

A plan of construction prepared and approved in accordance with the provisions of Chapter 70, and containing detailed and certified drawings prepared by an engineer, architect, landscape architect or land surveyor and associated documents. The subdivision site plan is submitted following approval of the preliminary subdivision plan and prior to approval of the final subdivision plat and deed. The subdivision site plan typically shows proposed uses; landscaping; street alignment, grades, and widths; alignment and widths of easements and rights-of-way for drainage; sanitary sewers, public utilities, streets, roads, pedestrian ways; the arrangement and orientation of lots; locations of buildings; and provision for refuse collection and maintenance.

**SUBDIVIDER**

the owner of the property being subdivided or his the owner's authorized agent.

**SUBDIVISION  
AND TO  
SUBDIVIDE**

the division or redivision of a tract, plot, or parcel of land, including condominium development or condominium conversion where there is any division or redivision of land, the division or redivision of any tract, parcel, lot or interest in real property for the purpose, whether immediate or future, of transfer of ownership whether by sale, grant, dedication or any other means of conveyance. The term "subdivision" shall include creation of condominiums, as provided for under the Condominium Act, Code of Virginia, § 55-79.39 et seq. The requirements of this chapter shall apply with necessary changes to new and converted condominiums as they apply to any other subdivisions and, where necessary, waivers may be granted and requirements construed so that a condominium may be established and developed exactly as subdivisions with individual lots may be divided and developed. However, subdivision shall not include the creation or alteration of easements or rights of way for public use.

**ZONING  
ORDINANCE**

the Herndon zoning ordinance (2006), Herndon Town code (2000), as amended and as may be amended from time to time.